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**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

CISCO SYSTEMS, INC.,

Plaintiff,

vs.

ARISTA NETWORKS, INC.,

Defendant.

CASE NO. 5:14-cv-5344-BLF

**CISCO'S ADMINISTRATIVE MOTION  
TO FILE UNDER SEAL CONFIDENTIAL  
INFORMATION IN EXHIBITS TO THE  
DECLARATION OF JOHN NEUKOM IN  
SUPPORT OF CISCO'S PARTIAL  
OPPOSITION TO ARISTA'S MOTION  
TO STAY**

**DEMAND FOR JURY TRIAL**

Pursuant to Civil L.R. 79-5, Plaintiff Cisco Systems, Inc. (“Cisco”) respectfully requests an order granting leave to file under seal the portions of the documents listed below:

Document	Portions to Be Filed Under Seal
Ex. 1 to the Declaration of John Neukom in Support of Cisco’s Opposition to Arista’s Motion to Stay	Entire
Ex. 2 to the Declaration of John Neukom in Support of Cisco’s Opposition to Arista’s Motion to Stay	Entire

# **I. LEGAL STANDARD**

In the context of non-dispositive motions, materials may be sealed so long as the party seeking sealing provides a “compelling reason.” *See Delphix Corp. v. Actifio, Inc.*, No. 13-cv-04613-BLF, 2014 WL 415520, at \*1 (N.D. Cal. Aug. 20, 2014). If the disclosure of information would damage a party’s ability to compete in the market place, there is a “compelling reason” exist to seal it. *See In re Elec. Arts, Inc.*, 298 F. App’x 568, 569 (9th Cir. 2008). Civil Local Rule 79-5 additionally requires that parties seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law”( *i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

## **II. ARISTA’S DESIGNATED CONFIDENTIAL INFORMATION**

Cisco makes this request to seal the documents identified herein for the reasons explained in detail in the Declaration of Andrew M. Holmes in support of this Administrative Motion to File Under Seal (“Holmes Declaration”). The information sought to be sealed has been directly designated by Defendant Arista Networks, Inc. (“Arista”) as “HIGHLY CONFIDENTIAL – SOURCE CODE” and/or “HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY” under the Protective Order (Dkt. 53). Cisco has narrowly tailored its request to seal only the information so designated by Arista as the basis for this request as articulated in the Holmes Declaration.

1 Cisco expects that Arista will file the required supporting declaration in accordance with  
2 Civil Local Rule 79-5(e), as necessary, to confirm that the information contained in the above  
3 referenced document should be sealed.

4  
5 DATED: June 6, 2016

Respectfully submitted,

6 /s/ Andrew M. Holmes

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